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Attorney for Plaintiff, Juan Cardenas

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF VENTURA

JUAN CARDENAS,

Plaintiffs,

v.

PHILLIP CAUSEY, and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES:
NEGLIGENCE

DEMAND FOR JURY TRIAL

BY FAX

Plaintiff Juan Cardenas alleges against defendants Phillip Causey and Does 1 through 50, inclusive, as follows:

GENERAL ALLEGATIONS

1. At all relevant times mentioned herein, plaintiff Juan Cardenas was, and is, an individual residing in the City of Whittier, County of Los Angeles, State of California. All acts complained of herein occurred in the County of Ventura, State of California.

2. At all times herein mentioned, defendant Phillip Causey was, and is, an individual residing in the City of Atlanta, State of Georgia. Defendant Causey was the driver of a 2016 Volvo, Georgia License plate number 049166032, which struck plaintiff Juan Cardenas at the time of the subject incident.

1 3. The true names or capacities, whether individual, corporate, associate or
2 otherwise, of defendants Does 1 through 50, inclusive, are unknown to plaintiff Juan
3 Cardenas who, therefore, sues said defendants by such fictitious names and will ask leave of
4 Court to amend this Complaint when the same shall have been ascertained. Plaintiff is
5 informed and believes, and upon such information and belief alleges that each defendant
6 designated herein as a Doe was responsible, negligently or in some other actionable manner
7 for the events and happenings referred to herein which caused injury to plaintiff as hereinafter
8 alleged.

9 4. Plaintiff Juan Cardenas is informed and believes, and thereupon alleges, that at
10 all times mentioned herein, defendants, **and each** of them, including Does 1 through 50, **were**
11 the agents, servants, employees and/or joint venturers of the **other defendants**, and each was,
12 as such, acting within the course, scope and authority of said **agency**, employment and joint
13 venture. That each and every defendant, when acting as a principal, was negligent in the
14 selection and hiring of each and every other defendant as an agent, employee and/or joint
15 venture. Additionally, plaintiff is informed and believes, and thereupon alleges, that at all
16 relevant times herein alleged each defendant was acting pursuant to the custom and policy of
17 the defendants, and that the acts and conduct of defendants as alleged herein was authorized,
18 ratified and/or approved by the defendants and their agents and employees vested with the
19 authority to exercise final decision making authority for defendants.

20 5. Defendants Does 1 through 50, inclusive, were and are business entities of
21 unknown form, duly organized and existing under and by virtue of the laws of one of the
22 States of the United States and all times material herein were authorized to do and engaged in
23 doing business in the State of California.

24 6. At all times herein mentioned, each defendant including Phillip Causey were
25 the principals, employers, employees, and/or joint venturers, of the other defendants,
26 including Does 1 through 50. Defendants Phillip Causey and Does 1 through 50 were
27 acting within the course and scope of such agency, employment and/or joint venture at the
28 time of the accident. All of the actions and omissions of each other defendant have been

1 authorized and ratified by defendants Phillip Causey, and Does 1 through 50.

2 7. On August 1, 2019, plaintiff Juan Cardenas was driving his employer's U.S.
3 Immigration and Customs Enforcement's 2007 Chevy Van northbound on Santa Rosa
4 Road near the intersection of Verdugo Way in Camarillo, California. At said time and
5 place, defendant Phillip Causey was driving the 2016 Volvo erratically and as he attempted
6 to make a quick lane change, struck the front left driver side of the Van causing a collision.

7 8. At said time and place, defendant Phillip Causey, and Does 1 through 50,
8 and each of them, so negligently operated, drove, controlled, maneuvered, managed,
9 entrusted and maintained their vehicle to strike plaintiff Juan Cardenas so as to cause the
10 hereafter described injuries and damages to plaintiff Juan Cardenas.

11 FIRST CAUSE OF ACTION

12 (Negligence)

13 Plaintiff Juan Cardenas alleges against defendant Phillip Causey and Does 1
14 through 50, inclusive, as follows:

15 9. Plaintiff Juan Cardenas refers to paragraphs 1 through 8 of the General
16 Allegations of this complaint and realleges and reincorporates said paragraphs as though
17 fully set forth herein.

18 10. On August 1, 2019, plaintiff Juan Cardenas was an able bodied individual
19 lawfully traveling on Santa Rosa Road, in the City of Camarillo.

20 11. At said time and place, defendant Phillip Causey and Does 1 through 50, and
21 each of them, so negligently drove, operated, controlled, maneuvered, inspected, maintained,
22 serviced, repaired, hired, entrusted, managed and supervised their vehicle so as cause it to
23 directly impact plaintiff Juan Cardenas' vehicle.

24 12. As a direct and legal result of the negligence and reckless conduct of
25 defendants, and each of them, plaintiff Juan Cardenas sustained the injuries and damages
26 as herein alleged.

27 13. As a legal result of the negligent and tortious conduct of the defendants, and
28 each of them, plaintiff Juan Cardenas has been permanently injured in his health, strength

1 and activity, which has caused him, and will continue to cause him, great physical and
2 mental pain and suffering and loss of enjoyment of life. Plaintiff is informed and believes
3 that said injuries will result in some permanent disability to said plaintiff, all to his general
4 damages in a sum to be specified according to proof at the time of trial. Plaintiff alleges
5 that each of the defendants herein is legally liable for general damages and non-economic
6 damages to plaintiff in a sum according to proof at the time of trial.

7 14. As a further legal result of the negligent and tortious conduct of the
8 defendants, and each of them, plaintiff Juan Cardenas has incurred hospital, medical and
9 rehabilitation expenses, and said expenses will continue to be incurred for the balance of
10 his life expectancy. Plaintiff hereby seeks economic damages for his past and future
11 hospital, medical and rehabilitation expenses in a sum to be specified according to proof at
12 the time of trial.

13 15. As a further legal result of the negligence and tortious conduct of the
14 defendants, and each of them, plaintiff Juan Cardenas has lost income, and will continue to
15 lose income and earning capacity, for the balance of his life expectancy. Plaintiff hereby
16 seeks compensation for the loss of earnings and earning capacity in a sum to be specified
17 according to proof at the time of trial.

18 16. Plaintiff Juan Cardenas is informed and believes, and thereon alleges that
19 defendant Phillip Causey was intoxicated, under the influence of drugs at the time of the
20 incident, and knew he was going to operate the motor vehicle in an intoxicated state. In
21 fact, defendant was believed to be shooting up with Heroin at the time of the incident as he
22 drove his car on the street while in possession of Heroin, and a needle and "tie offs" were
23 found on the front passenger seat with fresh injection sites noted on defendant Causey's
24 left and right arms. Moreover, there were several prescription bottles, some still filled with
25 pills, found in the front center console which included the drugs Cephalexin,
26 Amphetamine, and Buprenorphine. Defendant was so intoxicated at the time of the
27 incident, that he had no idea what street he was driving on, what vehicles were driving near
28 him, or how the incident happened. Defendant Phillip Causey knew of the dangers

1 associated with operating a motor vehicle in an intoxicated state. He also knew of the
2 probable likelihood that he would get into an accident and cause serious injury and/or
3 death to other motorists if he operated his vehicle while under the influence. Despite this
4 knowledge, defendant drove in a highly reckless manner with an absolute disregard and
5 callous indifference to the rights and safety of others, in that defendant became knowingly
6 and willfully intoxicated despite his knowledge that the intoxication rendered him
7 physically and mentally unfit to drive safely. Defendant was driving erratically at the time
8 of the incident, struck plaintiff, and thereafter took actions to flee the scene of the incident
9 before finally coming to a stop. He was arrested at the scene and his vehicle was
10 impounded, as he was deemed to be driving his vehicle during a crime. Defendant was
11 under the influence of controlled substances at the time of the incident, and his intoxication
12 was a direct cause of the subject incident. Accordingly, defendant's operation of his motor
13 vehicle was carried on by him in a wanton and willful manner, and in conscious disregard
14 of the rights and safety of plaintiff, and all others using the streets and highways where the
15 subject incident occurred. Wherefore, plaintiff Juan Cardenas is entitled to punitive and/or
16 exemplary damages against defendant Phillip Causey.

17
18 WHEREFORE, plaintiff Juan Cardenas prays for judgment against defendant Phillip
19 Causey and Does 1 through 50, and each of them, as follows:

- 20 1. General damages;
- 21 2. Special damages according to proof;
- 22 3. For interest on all sums found to be due and owing, said interest accruing at the
23 legal rate from the date of the accident;
- 24 4. All costs of suit incurred herein; and
- 25 5. For such other and further relief as to this Court may seem just and proper.
- 26 6. For punitive and exemplary damages according to proof.
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DATED: October 7, 2020

LIEBER & LIEBER LAW GROUP, LLP

By: 

MARK LIEBER, ESQ.

DEBORAH A. LIEBER, ESQ.

Attorneys for Plaintiff, Juan Cardenas

DEMAND FOR TRIAL BY JURY

Plaintiff Juan Cardenas hereby demands trial by jury.

DATED: October 7, 2020

LIEBER & LIEBER LAW GROUP, LLP

By: 

MARK LIEBER, ESQ.

DEBORAH A. LIEBER, ESQ.

Attorneys for Plaintiff, Juan Cardenas